

1 HONORABLE RONALD B. LEIGHTON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

NICHOLAS SSEBAMBULIDDE and  
SAMALIE NASSOZI,

Plaintiff,

v.

GROUP HEALTH; DR. PAULA SMITH,  
and FRANCISCAN HEALTH SYSTEM,

Defendant.

CASE NO. C11-5352RBL

ORDER

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15 THIS MATTER comes on before the above-entitled Court upon Plaintiffs' Response to  
16 the Court's Order to Show Cause. Having considered the entirety of the records and file herein,  
17 the Court finds and rules as follows:

18 Plaintiffs filed a proposed Complaint together with an Application to Proceed *In Forma*  
19 *Pauperis*. In the Complaint plaintiffs allege that they were harmed due to the actions of Group  
20 Health, Dr. Paula Smith, and Franciscan Health Systems. The activities complained of were  
21 covered by Group Health and occurred at St. Joseph Hospital in Tacoma, WA. On May 10, 2011  
22 the Court entered an Order to Show Cause why this case should not be dismissed because it

1 || appeared the Court lacked jurisdiction in this matter due to the apparent lack of diversity of  
2 citizenship.

3 Plaintiffs' response to the Court's Order argues that this Court has jurisdiction because  
4 Franciscan Health System is headquartered in Englewood, Colorado.

5 "Diversity jurisdiction requires that the plaintiffs and each defendant be citizens of  
6 different states." In order to invoke the diversity jurisdiction of this Court, all plaintiffs must be  
7 of diverse citizenship than all defendants. *See e.g., Munoz v. Small Business Administration*, 644  
8 F.2d 1361, 1365 (9<sup>th</sup> Cir. 1981). Individuals are citizens of their state of domicile. *See e.g.,*  
9 *Kantor v. Wellesley Galleries*, 704 F.2d 1088, 1090 (9<sup>th</sup> Cir. 1983). Corporations are deemed to  
10 be citizens of the state of incorporation and the state of its principle place of business. 28 U.S.C.  
11 § 1332(c).

12 Here, plaintiffs are domiciled in Tacoma and are thus citizens of Washington. A check of  
13 the Secretary of State's Office, Corporations Division website indicates that both Group Health  
14 and Franciscan Health System are incorporated in Washington, and are thus citizens of  
15 Washington. Therefore, plaintiffs and defendants are not "citizens of different states," 28 U.S.C.  
16 § 1332(a)(1), and this Court lacks jurisdiction over this matter.

17 Plaintiffs' Application to Proceed *In Forma Pauperis* is **DENIED as MOOT** and the  
18 proposed Complaint is **DISMISSED** without prejudice.

19 **IT IS SO ORDERED.**

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1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any  
2 party appearing pro se.

Dated this 24<sup>th</sup> day of May, 2011.

Ronald B. Lightner

RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE